

**ENTERED**

October 26, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

CHRISTOPHER LYNN FISHER

§

§

§

VS.

§ CIVIL ACTION NO. 7:18-CV-253

§

§

§

LORIE DAVIS, Director, Texas  
Department of Criminal Justice,  
Correctional Institutions Division.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C § 2254, which petition had been referred to the Magistrate Court for a report and recommendation. On September 11, 2018, the Magistrate Court issued the Report and Recommendation, recommending that Petitioner's § 2254 Petition be **DISMISSED** without prejudice and that a Certificate of Appealability be **DENIED** upon the issuance of this Court's final order. Also, pending before the Court are Petitioner's objections to the Report and Recommendation.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has conducted a de novo review of the Report and Recommendation. Finding no clearly erroneous error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Petitioner's § 2254 Petition is **DISMISSED** without prejudice. A Certificate of Appealability is **DENIED**.

SO ORDERED this 26th day of October, 2018, at McAllen, Texas.

  
\_\_\_\_\_  
Randy Crane  
United States District Judge